

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JUDSON TODD EVANS,)	
)	
Plaintiff,)	
)	
v.)	No. CIV 23-368-JFH-GLJ
)	
CHRIS BRYANT, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

Plaintiff Judson Todd Evans filed this civil rights action on October 26, 2023, alleging he had been subjected to constitutional violations while incarcerated at the Carter County Jail. (Dkt. 1). At the direction of the Court, he filed an amended complaint on November 20, 2023. (Dkts. 8, 10). In February 2024 and May 2024, the defendants filed motions to dismiss. (Dkts. 38, 39, 40, 46, 47, 57). Certain defendants subsequently filed motions to deem confessed the motions to dismiss (Dkts. 49, 59). Plaintiff did not respond to any of these motions.

Therefore, on July 18, 2024, the Court directed Plaintiff to show cause within twenty-one (21) days why the motions to dismiss and motions to deem confessed should not be granted. (Dkts. 66, 67, 68, 69). Plaintiff was cautioned that failure to show cause as directed would result in the Court's granting the motions at issue. *Id.*

Instead of complying with the Court's Order, on August 2, 2024, Plaintiff filed a motion to amend his complaint, along with a proposed amended complaint. (Dkts. 73, 73-1). The motion to amend stated he wanted to include information he inadvertently had omitted from the first amended complaint, including the damage he had suffered. (Dkt. 73). Plaintiff does not specify what new information he has included. *Id.* He also asks that the Court's show-cause orders entered on July

18, 2024, (Dkts. 66, 67 68, 69) be stricken as moot. *Id.*

A review of the proposed amended complaint shows that Plaintiff is raising claims about his medical care, food, religious practice, and an “sexually suggestive” incident in September 2023. (Dkts. 73-1 at 5, 6, 11-16). The proposed second amended complaint also appears to add two defendants, Cindy Rice and Steven Harpe, and to dismiss Defendant Turnkey Health Clinics. *Id.* at 9.

Pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure, before trial, “(a) party may amend its pleading once as a matter of course no later than: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” “In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2).


After careful review, the Court finds Plaintiff has not filed his motion to amend in accordance with Rule 15(a). The Court also finds that he has provided no reasons why he failed to timely respond to the defendants’ motions. Further, he has not explained why he waited until the show-cause orders were entered to file his motion to amend the complaint. Therefore, the Court denies Plaintiff’s motion to file a second amended complaint and to strike the Orders to show cause as moot. (Dkt. 73).

ACCORDINGLY,

1. Plaintiff’s motion to file a second amended complaint and his request to strike the Court’s Orders to show cause (Dkt. 73) are denied.
2. Plaintiff is granted an additional twenty-one (21) days from the entry of this order to

respond to the Court's show-cause orders (Dkts. 66, 67, 68, 69). Failure to respond as directed will result in the Court's granting the pending motions to dismiss (Dkts. 38, 39, 40, 46, 47, 57) without further notice.

IT IS SO ORDERED this 7th day of August 2024.


GERALD L. JACKSON
United States Magistrate Judge